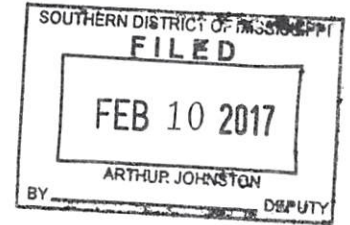


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



GREGORY MCNEIL

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:17-cv-90 CUR-FKB

FABULOUS GLOBAL INVESTORS, LLC
D/B/A FABULOUS GLOBAL LOGISTICS

DEFENDANT

NOTICE OF REMOVAL

To: Joe M. Ragland, Esq.
Ragland Law Firm
615 Barksdale Street
Jackson, MS 39202

Reserving all Rule 12 and other affirmative defenses, Defendant Fabulous Global Investors, LLC d/b/a Fabulous Global Logistics, hereby removes this cause from the Circuit Court of the First Judicial District of Hinds County, Mississippi, to the United States District Court for the Southern District of Mississippi, Northern Division, and would further show as follows:

1. **Removal.** Fabulous Global Investors, LLC d/b/a Fabulous Global Logistics removes this cause to this Court pursuant to 28 U.S.C. Sections 1332, 1441 and 1446.

2. **The State Court Action.** The state court action which is removed to this Court is styled *GREGORY McNEIL versus FABULOUS GLOBAL INVESTORS, LLC D/B/A FABULOUS GLOBAL LOGISTICS*, Cause No. 17-7, in the Circuit Court of the First Judicial District of Hinds County, Mississippi. A complete copy of the Circuit Court file is attached as Exhibit A (potentially confidential information in accident report redacted). This matter arises out of a claim for damages arising out of a motor vehicle accident.

3. **Propriety of Removal.** This removal is proper under 28 U.S.C. Section 1441(a) & (b) and Section 1332 (diversity jurisdiction). Complete diversity of citizenship exists and the amount in controversy appears to be in excess of \$75,000. This action is properly removed under 28 U.S.C. Section 1441 to the Southern District of Mississippi, Northern Division, as the district and division embracing the Circuit Court of the First Judicial District of Hinds County, Mississippi in which the state court action was pending.

4. **Diversity of Citizenship.** Complete diversity of citizenship exists here. As alleged in the Complaint, Plaintiff Gregory McNeil is an adult resident citizen of the First Judicial District of Hinds County, Mississippi. Defendant Fabulous Global Investors, LLC d/b/a Fabulous Global Logistics was a Texas Limited Liability Company, located in Arlington, Texas with its member being a resident of Mansfield, Texas. *See* Exhibit “B”, “C” and “D”. Additionally, Plaintiff’s Complaint alleges that Defendant’s registered agent is a Texas resident, located in Mansfield, Texas. Upon information and belief, Fabulous Global Logistics is no longer in operation.

5. **Amount in Controversy.** The state court Complaint asserts that as a result of Defendant’s alleged negligence, Plaintiff is entitled to damages including, but not limited to past and future medical expenses, loss of wages, loss of earning capacity, loss of future earnings, compensation for pain, suffering, mental and emotional distress, permanent physical injuries, permanent physical injuries and impairment and loss of enjoyment of life.¹ Plaintiff also asserts that he is entitled to punitive damages, all costs of court, and pre-judgment interest.²

¹ [I]n 2005, the United States Supreme Court held that so long as one plaintiff’s claim satisfied the amount in controversy requirement for an exercise of diversity jurisdiction, the Court has supplemental jurisdiction over the claims of other plaintiffs which are part of the same case or controversy. *Doss v. NPC Inter., Inc.*, 4:10CV3-P-S, 2010 WL 1031338, fn2 (citing *Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005)).

² *See, Mehrtens v. Am. ’s Thrift Stores, Inc.*, No. 1:10CV543-HSO-JMR, 2011 WL 2111085, at *2 (S.D. Miss., May 26, 2011) (finding it was “facially apparent” that the jurisdictional minimum was pled when claims of punitive damages are made).

6. **Timeliness.** This notice of removal has been filed within thirty days after receipt of a copy of a paper which it could be ascertained that this cause of action is removable, as provided by 28 U.S.C. Section 1446. The state court Complaint naming Fabulous Global Investors, LLC d/b/a Fabulous Global Logistics was filed on January 5, 2017 with purported service of process attempted by personal service on Richard N. Onwudebe in Mansfield, Texas on January 12, 2017.

7. **Consent to Removal by All Defendants.** This action has been removed on behalf of the sole Defendant in the lawsuit.

8. **Notice to Others.** In accordance with 28 U.S.C. Section 1446(d), Fabulous Global Investors, LLC d/b/a Fabulous Global Logistics will promptly give notice to all parties in writing and shall file a copy of the notice of removal with the Clerk of the state court.

Accordingly, Fabulous Global Investors, LLC d/b/a Fabulous Global Logistics removes this action to the United States District Court for the Southern District of Mississippi, Northern Division.

Respectfully submitted, this the 9th day of February, 2017.

FABULOUS GLOBAL INVESTORS, LLC
D/B/A FABULOUS GLOBAL LOGISTICS,
PHELPS DUNBAR LLP

BY: 

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CERTIFICATE OF SERVICE

I do hereby certify that I have this date mailed through the United States Postal Service, postage prepaid, and by email, a true and correct copy of the above and foregoing *Notice of Removal* to the following:

Joe M. Ragland, Esq.
Ragland Law Firm
615 Barksdale Street
Jackson, MS 39202

This, the 9th day of February, 2017.



Scott Ellzey